

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
SPARTANBURG DIVISION**

UNITED STATES OF AMERICA)

Case No.: 7:22-cr-00931-HMH-1

v.)

MOTION FOR CONTINUANCECHADRICK ROBINSON)
_____)

Defendant Chadrick Robinson moves the Court to continue this case to the April term of court.

Mr. Robinson made his initial appearance and was arraigned before the Court on November 30, 2022, and defense counsel was appointed at that time. (ECF Nos. 12, 16.) On December 14, 2022, the Court held a Pretrial Conference/Change of Plea Hearing where it granted Mr. Robinson's oral motion to continue the case until January 24, 2023. (ECF No. 26.) On January 23, defense counsel filed a Motion to Continue this case until the April term of Court for Mr. Robinson to undergo a mental health evaluation. (ECF No. 30.) As a basis for the continuance, counsel explained that although she believed Mr. Robinson was competent, based on her review of discovery and interactions with Mr. Robinson, a mental health evaluation was necessary to determine whether he is suffering from a mental condition. (*Id.* at 1.) Counsel also advised the Court that she had secured an expert equipped to handle the unique cultural issues at play in this case and that he could evaluate Mr. Robinson during the third week of March.¹ (*Id.* at 2.) The Government consented to the Motion. (*Id.*) At the pretrial conference on January 24, 2023, the Court granted the Motion and continued the case "until next term" (ECF No. 32), but directed

¹ The expert is Dr. Bhushan S. Agharkar, MD, DFAPA. His curriculum vitae is attached to this Motion as Exhibit 1.

counsel to try and identify an expert who could evaluate Mr. Robinson before the next term of Court.

Since January 24, counsel has attempted to identify a different expert who could evaluate Mr. Robinson sooner than Dr. Agharkar. However, counsel has been unable to identify any such expert who can be approved, contracted, and complete an evaluation of Mr. Robinson before the next term of Court at the end of February. Therefore, Mr. Robinson again moves the Court to continue this case until the April term of Court. The requested continuance would provide time for Mr. Robinson to be evaluated; to determine what, if any, effect the results of the evaluation have on his case; and to confer with the Government regarding possible resolution of this matter.²

Counsel avers that the granting of this continuance would not be prejudicial to either the Government or Mr. Robinson and will be excludable under the provisions of 18 U.S.C. §3161(h)(7)(A). Specifically, the additional time requested is a reasonable period of delay,³ as counsel has requested more time to gather evidence material to the defense, investigate the matter, consider possible defenses, and to prepare for trial. 18 U.S.C. § 3161(h)(7)(B)(iv). Accordingly, the ends of justice will best be served by a continuance and outweigh the best interests of the public and the defendant in a speedy trial, as set forth in 18 U.S.C. § 3161(h)(7)(A).

Mr. Robinson understands and waives his speedy trial rights and makes this request for a continuance. Also, counsel has conferred with Assistant United States Attorney Carrie Fisher Sherard, who consents to this Motion.

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² For example, if Mr. Robinson is diagnosed with a mental condition, his competency or mental condition at the time of the offense may become an issue. *See* Fed. R. Crim. P. 12.2. Furthermore, Mr. Robinson may qualify for pretrial diversion.

³ If Mr. Robinson were to be evaluated by the Bureau of Prisons, the timeline would likely be similar.

Respectfully submitted,

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